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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

GERALD ARCENEUX, ET AL

*

CIVIL ACTION NO. 04-1033

VERSUS

*

JUDGE DOHERTY

STATE OF LOUISIANA, ET AL

*

MAGISTRATE JUDGE HILL

ORDER


Review of the complaint reveals that defendants, Trooper Benny Broussard and Trooper Paul Berry, were sued in their individual and official capacities. Review of the answer filed by defendants reveals that they have asserted the defense of qualified immunity. To the extent that the defendants were sued in their individual capacities, the heightened pleadings requirements apply. *See Baker v. Putnal*, 75 F.3d 190, 195 (5th Cir. 1996).

The undersigned finds that the allegations are insufficient as to these defendants. Accordingly, pursuant to the suggestion in *Schultea v. Wood*, 47 F.3d 1427, 1432-34 (5th Cir. 1995), **IT IS ORDERED** that the plaintiffs file a Fed. R. Civ. P. 7(a) reply to the qualified immunity defense pled by the defendants **within twenty (20) days of receipt of this order**. Specifically, the reply shall state as to each defendant: (1) the constitutional rights that said defendant personally violated; (2) the facts that support the allegations against said defendant; and (3) the reasons why said

defendant is not entitled to qualified immunity.

Failure to comply with this order will invite the imposition of sanctions under Federal Rule of Civil Procedure 16(f), including possible dismissal of all claims. *See Reyes v. Sazan*, 168 F.3d 158 (5th Cir. 1999). Should plaintiffs fail to file the Rule 7(a) reply, defense counsel shall promptly notify the court by filing an appropriate motion.

Signed in Lafayette, Louisiana, this 22 day of September, 2005.



C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE

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DATE 9.29.05
BY MS
TO CMH
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